

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING HELD JULY 16, 2003
FLAGSTAFF, AZ**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 16, 2003, at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ.

Members Present:

- Chairman Jim Garcia
- Chief Jerry Sheridan
- Chief Joe Vernier
- Chief Harold Hurtt
- Sgt. Gary Eisenga
- Ms. Laura Reckart (representing Attorney General Goddard)
- Director Dennis Garrett
- Ms. Lisa Flores
- Deputy Tamatha Villar
- Director Dora Schriro

Members Absent:

- Sheriff Gary Butler
- Sheriff Clarence Dupnik
- Dr. Michael Polakowski

Staff in Attendance:

- Tom Hammarstrom
- Lyle Mann
- Ed Routh
- Lynn Larson
- Gary Maschner
- Steve Jacobs
- Ted Brandon
- Curt Milam
- Marie Dryer
- Rosalee Fitch
- Carol Muskus
- Lois Sherlock

Counsel for Board in Attendance:

- Diana Stabler, Asst. A.G.

Guests in Attendance:

Rich Kush, AZRCPI/Tempe P.D.
Tom Chaney, Retired, Tempe P.D.
Frank Valentine, Sahuarita P.D.
Ray Howard, MCAO
Bob DeVries, Kingman P.D.
Tim Mosby, Kingman P.D.
Tommy A. Hain, Page, P.D.
Nancy Davies, PCSD
Jacque Povilatis, PCSD
Reinhold Povilaitis, PCSD
Brian White, PCSD
Lawrence Seligman, Pascua Yaqui P.D.
Dave Neuman, Chandler P.D.
Frank Manson, Williams P.D.
Ric Athey, ADOT-MVD
Juan Martin, City of Phoenix
Jan Madeya, ACIP
George Graham, Department of Liquor
Tom Clinkenbeard, MVD
Robby Robinson, Yuma P.D.
Dave Jordan, Pinal County S.O.
David Zimpfer, ASU P.D.
Dean Burrow, Yuma P.D.
John Brewer, Gilbert P.D.
Julie Love, Glendale P.D.
Bob Lehner, Tucson P.D.
Anthony Daykin, U of A P.D.
Richard Miranda, Tucson P.D.
Marvin Curley, Navajo DPS
Eric Hailey, Phoenix P.D./ALEA
Leon N. Wilmot, Yuma County S.O.
Ken Jones, Pima County Attorney's Office
Jan Strauss, A.G.'s Office
Pete Thompson, Mesa P.D.
Beverly Ginn, Tucson P.D.
Colin and Lillian Peabody, Retired AZ POST
Sandra Peabody
Barb Harris, Pima College DPS
Terri Siebert, AZ Police Corps/CAVIT
Jon Heiden, AZ Police Corps
Jess Fellows, AZ Police Corps
Heidi Lowe, AZ Police Corps
Gloria Weiss
Sam Weiss, Director/CARLOTA

Collier Hill, Pima County Community College
Andrew Kirkland, Glendale P.D.
Richard Yost, El Mirage P.D.

A. CALL TO ORDER

Chairman Garcia called the meeting to order at 1:40 p.m.

B. INTRODUCTIONS

Mr. George Weisz from the Department of Corrections introduced Dora Schriro, the new Director at DOC, and POST's newest Board member. Tom Hammarstrom introduced Chief Tom Hain, Page Police Department; Chief Bob DeVries, Kingman Police Department; Chief Larry Seligman, Pascua Yaqui Tribal Police; and Assistant Chief Andrew Kirkland, Glendale Police Department.

Tom also introduced AZ POST's newest staff members: Marie Dryer and Curt Milam are Compliance Specialists, and Sgt. Jim DeLung and Sgt. Rick Watling are contract employees assigned to the Training Section.

Tom wanted to recognize the following people for their outstanding service to the Arizona law enforcement community: George White, retired commander of SALETC; Officer Julie Love, Glendale P.D.; Colin Peabody, retired AZ POST; and Ed Routh, retired AZ POST.

C. CONSENT AGENDA

Approved unanimously, motion made by Chief Sheridan, seconded by Chief Hurtt.

1. Minutes of the meeting held on May 21, 2003, were approved as written.
2. Minutes of the Charging Board meeting held on May 21, 2003, were approved as written.
3. Minutes of the Charging Board meeting held on June 25, 2003, were approved as written.
4. The next scheduled Executive Session in accordance with A.R.S. §38-431.03(A)(1), (A)(2), (A)(3) or (A)(4) is Wednesday, September 17, 2003, 1:00 p.m. at AZ POST, 2643 E. University Drive, Phoenix, AZ.

5. The next scheduled Regular Meeting is Wednesday, September 17, 2003, 1:30 p.m., at AZ POST, 2643 E. University Drive, Phoenix, AZ.
6. Ministerial Actions
 - a. Certification Waivers: The following individual(s) have met the requirements set forth in AZ POST Rule R13-4-110 and have successfully completed the testing process and verification by AZ POST staff. Therefore, upon Board direction, certified peace officer status has been granted to:

Gary R. Clapper	AZ Corporation Commission
Tommy A. Hain	Page Police Dept.
Paul R. Herrmann	Avondale Police Dept.
Edwin A. Jaakola	Quartzsite Police Dept.
Gary J. Kouba	Avondale Police Dept.
Joel Logan	Lake Havasu City P.D.
 - b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.
 - c. Training Program Approvals: Agency requests were reviewed by staff and found to comply with Board guidelines. Programs were approved as requested. LIST ATTACHED TO MINUTES.
7. Decertification Case Status Report Update: As of July 5, 2003, the Compliance and Standards Unit has a case load of 78 active cases in various stages of the process. Eight cases are ready for initial presentation; 20 cases need further investigation; 9 cases are pending service of or response to a Notice of Complaint or Decision; 2 cases are pending hearing; 11 cases are ready for final action, and 28 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
8. Revisions to the Basic Training Curriculum Performance Objectives. The Chair and Vice-Chair of the AZ POST Law and Legal Subject Matter Expert Committee have identified a number of revisions, deletions and additions which they recommend be addressed. These changes are essentially nothing more than incorporating new legislation.

9. Income and Expense Statement – July 2003.

Funds as of May 1, 2003	\$689,170.45
CJEF Revenue	492,498.24
Expenditures/Encumbrances	(442,176.29)
Balance for May 31, 2003	\$739,492.40

D. REGULAR AGENDA

AZ POST Board Work-Study Session. The AZ POST Board has not met for several years to consider and set priorities and directions. Tom Hammarstrom requested that the Board direct staff to plan and facilitate such a session concurrent with its October 15, 2003, Charging Board meeting.

Chief Vernier made a motion that staff prepare and schedule a Board work-study session to consider future POST priorities and direction, concurrent with the Board's regularly scheduled October 15, 2003, meeting, seconded by Ms. Flores, motion carried unanimously.

E. SUMMARY OF CURRENT EVENTS

Tom Hammarstrom announced the upcoming 2003 National Internal Affairs Investigators Association (N.I.A.I.A.) Training Conference being hosted by the Phoenix Police Department. This conference will be held October 5 – 8, 2003. Brochures were available for any one that is interested.

Lyle Mann reported that the AZ POST Rules Revision Advisory Committee met and discussed the following topics:

Open Enrollment Cadets – will be discussed further.

Specialist Instructors – moved forward from committee and brought to the Board to be included in future rules promulgation.

Proficiency Instructors to Include Firearms Instructors – moved forward from committee and brought to the Board to be included in future rules promulgation.

Steroid Use – will be discussed further.

Juvenile Drug Usage – will be discussed further.

Comprehensive Test as a Graduation Standard – will be discussed further.

F. REPORTS

1. BASIC TRAINING

ALEA – Commander Hailey reported that 30 agencies were represented last year, with 435 recruits started training, and 363 recruits completed training. ALEA began teaching a two-hour off-duty officer safety and responsibility course. The recruit notebook issued to all recruits has been completely revised. The Academy purchased 500 Arizona Officers' Legal Source Book. The recruits will use this as guide in the Academy, and also in the field to interpret legal questions.

The IR-5000 training (DUI breath-test machine) is no longer being offered. Many of the major organizations that ALEA represents are doing blood or using a different machine. ALEA is in the process of developing a 4-hour block of instruction on officer survival scenarios. A permanent accident scene diagram was placed on a new asphalt area at the Academy for traffic accident investigations.

The Firearms Lesson Plan has been updated to accommodate new scenarios in the FATS program. The Field Problem Committee has been meeting since September 2002, and hopefully all the field problem scenarios will be revised in the next week. There have been no major changes in how ALEA grades, but there has been an ongoing project with the academy test revisions. Part of this project is testing protocol that has been repeated and updated.

ALEA purchased 22 computers for the PC network. Now each sergeant and each recruit training officer has access to e-mail and Word to prepare their reports. The Tactical Village came on-line in September 2002 and is now being used for field training scenarios. The ALEA staff has completed the revision of the physical fitness manual, the sergeant's manual, and the recruit officer training manual.

Lynn Larson reported that 100% of ALEA's last five classes have passed the comprehensive exam.

CARLOTA – Director Weiss reported that CARLOTA's numbers have gone down since the last July's Board meeting. Last year there were 108 cadets going through four programs with 98 cadets completing the program. This year, there are 60 cadets, with 52 completing the program. Part of the reason for this down turn is

that their user agencies have filled their vacancies and hiring is down. CARLOTA's August class has 38 enrolled, with 15 on a waiting list, and the September class has 24 enrolled, with 14 on a waiting list. Director Weiss is confident that enrollment numbers will start to increase again.

Last year CARLOTA served 49 different agencies, this year it is 33 agencies. Director Weiss thanked POST staff for their support, and also the agency heads that use CARLOTA. A massive mail-out was completed that informed everyone about the change in August where CARLOTA is going from 13 weeks to 18 weeks. All the tests are in the process of being re-written based upon new performance objectives. Also, the pursuit part of the driving track has been completed, and agencies have started to use the track.

Lynn Larson reported that: COTA has completed an on-site 10-day Spanish immersion class with local law enforcement agencies, as well as DOC staff. They have also hosted a federal program coordinated through the National Guard, Tucson P.D. and South Tucson P.D. for youths ages 9 – 12.

MCSO has expanded their Basic Training Academy to 20 weeks.

Mesa P.D. has a new commander, Lt. John Meza.

NARTA does not currently have a class in session. Class #15 is scheduled to begin August 18th with 40 recruits, representing 14 agencies. NARTA also hosted and sponsored the 7th Annual NARTA/ALEA Explorer Academy.

Navajo Law Enforcement Training Academy has a new commander, Ivan Tsosie, Sgt. Simenoa is currently the Acting Director. The new Director is Samson Cowboy. This will be the first academy class to take their comprehensive exam at POST on August 13th.

Tom Hammarstrom stated that Marie Dryer will be tasked with compliance issues in regard to the Arizona academies. She will be ensuring that Arizona academies are delivering the basic course in compliance with the rules.

2. POLICE CORPS

Director Jon Heiden introduced Police Corps' first cadet who graduated last year, Officer Clint Hill. He is working with the Flagstaff P. D. The Western Regional Academy is graduating their

first class on July 18th. The Police Corp has one cadet graduating with this class. Another regional academy is starting at the end of July with one Police Corps cadet in that class. Arizona is participating in this academy, with Officer Julie Love and Officer Jason Schechterle teaching various classes.

Police Corps will start recruiting again throughout the state of Arizona. Twenty-three agencies are now supporting Police Corps. Central Arizona Valley Institute of Technology has partnered with Police Corps. Their focus is on law enforcement in high schools, community colleges, and colleges. Police Corps is narrowing down the selections for their scholarships. Hopefully by the next Board meeting, Director Heiden will report on the first scholarship recipient.

3. DEPARTMENT OF CORRECTIONS

Director Schriro reported that she has been touring the facilities, and by the end of this month, she will have been to every institution at least once. Recruitment is still a challenge for the Department, and the Department has had a long-standing practice of attempting to enhance recruitment and retention efforts by providing an additional bonus for people who will work at institutions that have the greatest rate of vacancy. This is an immediate benefit to the Department, but has a negative impact on staff at other facilities that are working just as hard but not receiving the same financial benefit. The Director stated she will have more to report on this issue at the next Board meeting.

4. ARIZONA REGIONAL COMMUNITY POLICING INSTITUTE

Director Kush reported that the one-day Anti-Terrorism Class has been completed. A dry run was completed last week with members of the POST staff. This class is made up of five blocks of topical areas: International Terrorism; Domestic Terrorism; Terrorism Indicators; Officer Safety; and Legal Implications. This class is designed for the line officer for prevention and detection of terrorism. A train-the-trainer class will be presented next week for areas outside the Phoenix metro area. On August 18th and 19th the train-the-trainer class will be presented in the Phoenix metro area. Director Kush recognized the following people for their effort in putting this class together: Ed Routh and Jim DeLung from POST, Det. Dan Elting from Phoenix P.D., Charlene Thornton, Jan Burris and Adam Angst from the FBI, and the AZRCPI staff.

G. CASES: Consideration and possible action on the certified status of peace officers.

Case #1 – Gustavo L. Alcazar – Yuma Police Department – Director Garrett made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Flores, motion carried unanimously.

Case #2 – Hilda Begay – Tucson Police Department – Chief Vernier made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hurtt, motion carried unanimously.

Case #3 – Franklin E. Brown – Phoenix Police Department – *Chief Hurtt recused himself from participation and voting.* Chief Sheridan made a motion to adopt the Findings of Facts and Conclusions of Law and revoke peace officer certification, seconded by Ms. Flores, motion carried.

Case #4 – Davis Filfred – Navajo Division of Public Safety – Chief Hurtt made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sgt. Eisenga, motion carried unanimously.

Case #5 – Raymond E. Haley, Jr. – Yuma Police Department – Director Garrett made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hurtt, motion carried unanimously.

Case #6 – Mario H. Joe – Navajo Division of Public Safety – Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year, from 12-12-02 to 12-12-03, seconded by Chief Hurtt, motion failed with 5 nays and 4 yeas. Ms. Flores made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Villar, motion carried with 5 yeas and 4 nays.

Case #7 – Lorenzo Lapahie – Navajo Division of Public Safety – The Board considered comments from Mr. Lapahie and Asst. A.G. Diana Stabler. Deputy Villar made a motion to adopt the Findings of Facts and Conclusions of Law and revoke peace officer certification, seconded by Chief Hurtt, motion carried unanimously.

Case #8 – Juan M. Lopez – Cocopah Tribal Police Department – Chief Sheridan made a motion to revoke peace officer certification, seconded by Chief Hurtt, motion carried unanimously.

Case #9 – Frank J. Mahomar – Nogales Police Department – Chief Vernier made a motion to adopt the Consent Agreement, Order and Decision (voluntary relinquishment), seconded by Chief Sheridan, motion carried unanimously.

Case #10 – John D. Rivera – Yuma County Sheriff's Office – Director Garrett made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Flores, motion carried unanimously.

Case #11 – Thomas L. Shaw – Navajo County Sheriff's Office – Chief Sheridan made a motion to adopt the Consent Agreement, Order and Decision (suspend peace officer certification for six months, from February 6, 2003, to August 6, 2003, seconded by Ms. Flores, motion carried with one nay vote.

H. CALL TO THE PUBLIC

None received.

I. ADJOURN

Chairman Garcia adjourned the meeting at 2:50 p.m.

Dated July 18, 2003

Lois Sherlock, Recording Secretary

MINUTES APPROVED:

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